MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S.A. vs Jose Rivas-Ortega No. 08cr2379-L

The Court finds excludable delay, under the section indicated by check (√), commenced on 7/17/08 and ended on 8/21/08; ( )
and ended on . ( )

3161(h)			
___(1)(A)	Exam or hrg for **mental or physical incapacity**		A
___(1)(B)	**NARA examination** (28:2902)		B
___(1)(D)	State or Federal trials or **other charges pending**		C
___(1)(E)	**Interlocutory appeals**		D
___(1)(F)	**Pretrial motions** (from flg to hrg or other prompt dispo)		E
___(1)(G)	**Transfers from other district** (per FRCrP 20, 21 & 40)		F
___(1)(J)	**Proceedings under advisement** not to exceed thirty days		G
___	Misc proc: Parole or prob rev, deportation, **extradition**		H
___(1)(H)	**Transportation** from another district or to/from examination or hospitalization in ten days or less		6
___(1)(I)	Consideration by Court of **proposed plea agreement**		7
___(2)	**Prosecution deferred** by mutual agreement		I
___(3)(A)(B)	**Unavailability of defendant** or **essential witness**		M
___(4)	Period of **mental or physical incompetence** of defendant to stand trial		N
___(5)	Period of **NARA commitment or treatment**		O
___(6)	**Superseding indictment and/or new charges**		P
___(7)	**Defendant awaiting trial of co-defendant** when no severance has been granted		R
___(8)(A)(B)	**Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance		T
√ (8)(B)(I)	1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. **(Continuance - miscarriage of justice)**		T1
___	2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. **(Continuance - tendered a guilty plea)**		
___(8)(B)(ii)	2) **Case** unusual or **complex**		T2
___(8)(B)(iii)	3) **Indictment** following arrest **cannot be filed** in thirty (30) days		T3
___(8)(B)(iv)	4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare **(Continuance re counsel)**		T4
___3161(I)	Time up to **withdrawal of guilty plea**		U
___3161(b)	**Grand jury indictment time extended** thirty (30) more days		W

Date 7/17/08

Judge's Initials